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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

TRACY CAEKAERT, and CAMILLIA )  
MAPLEY, )

Plaintiffs, )

vs. )

WATCHTOWER BIBLE AND TRACT )  
SOCIETY OF NEW YORK, INC., and )  
WATCH TOWER BIBLE AND TRACT )  
SOCIETY OF PENNSYLVANIA., )

Defendants, )

Case No. CV-20-52-BLG-SPW

**PLAINTIFFS' BRIEF IN  
SUPPORT OF THEIR  
MOTION TO ENFORCE  
COURT ORDER (ECF NO. 411)**

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**DEFENDANTS WANT CERTAIN COURT ORDERS  
ENFORCED BUT NOT OTHERS**

On June 10, 2024, this Court ordered WTNY to “pay all Plaintiffs’ expenses related to WTNY’s Motion for Protective Order and Plaintiffs’ Motion to strike and preparing the instant motion”. Order at 13, ECF No. 411. Defendants have taken the position that this Court Order is unenforceable. At the same time, Defendants told Plaintiffs’ counsel that the Court’s prior Order requiring Plaintiffs to pay the fees of its expert, Dr. Bütz, should be enforced.<sup>1</sup> See Order at 17, ECF No. 293. Defendants have thus taken the unworkable position that the Court’s prior orders benefiting them should be enforced while the Court’s prior orders benefiting Plaintiffs should not be enforced.

**THE COURT’S PRIOR ORDER SANCTIONING THE  
DEFENDANTS IS NOT MOOT**

The Court granted Plaintiffs’ Motion for Sanctions re: Deposition of Gary Breaux and Allen Shuster. See Order at 13, ECF No. 411. Thus, the Court’s recent order denying all pending motions does not apply to Plaintiffs’ Motion for Sanctions because that motion is not pending; it has already been granted, just like Defendants’ motion asking that Plaintiffs pay for Dr. Bütz’s fees. To be sure, the Court sanctioned the Defendants for conduct that occurred over a year ago. That

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<sup>1</sup> In their response, Defendants did not contest the amount of fees and costs set forth in Plaintiffs’ Statement, and there is accordingly no basis to award anything but the full amounts.

issue has been decided and the only question remaining is the amount. At no time during the settlement negotiations were the parties' obligations under already decided motions negotiated. If WTNY wanted to avoid paying these sanctions, it could have negotiated for the same; it chose not to. There is accordingly no basis to immunize WTNY from the monetary repercussions of its bad faith litigation conduct.

Plaintiffs have notified the Defendants that they intend to pay Dr. Bütz's reimbursable expenses pursuant to this Court's prior order. It is unclear why Defendants will not uphold their own obligations under this Court's prior order. As such, Plaintiffs must unfortunately once again come to the Court because Defendants refuse to be reasonable or fair but instead seek to gain advantages in this case not based on the rules, reason, or fairness, but their own economic interests. Plaintiffs therefore respectfully request the Court "issue a second order, specifying the amount of sanctions award and setting the time of payment" as planned. Order at 13, ECF No 411.

DATED this 24<sup>th</sup> day of July, 2024.

By: /s/ Ryan Shaffer  
Ryan R. Shaffer  
MEYER, SHAFFER & STEPANS PLLP

*Attorneys for Plaintiffs*

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.3(d)(2), Plaintiff hereby certifies that this brief complies with the length requirement for briefs, and that this brief contains 413 words, excluding the caption, certificates of service, and compliance, table of contents, and authorities, and exhibit index.

By: /s/ Ryan Shaffer  
Ryan R. Shaffer  
MEYER, SHAFFER & STEPANS PLLP

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 1.4, this document has been served on all parties via electronic service through the Court's Case Management/Electronic Case Filing (CM/ECF) system.

By: /s/ Ryan Shaffer  
Ryan R. Shaffer  
MEYER, SHAFFER & STEPANS PLLP

*Attorneys for Plaintiffs*